

California Regional Water Quality Control Board  
Santa Ana Region

May 31, 2002

**ITEM:** 18

**SUBJECT:** Hohn Disposal Site, Corona, Review of the Executive Officer's Request for Technical Information under Section 13267 of the Water Code

**INTRODUCTION**

The matter before the California Regional Water Quality Control Board, Santa Ana Region (Board), is whether to affirm, reject, or modify the Executive Officer's action related to Mr. Bruce A. Hohn, Hohn Disposal Site/Corona Truck Salvage (CTS), City of Corona.

On May 3, 2002, the Executive Officer issued a letter requesting information regarding waste disposal activities on Hohn property under Section 13267 of the California Water Code. The letter also terminated coverage under the Regional Board's waiver (Resolution No. 84-48) for the disposal of inert wastes at the Hohn property, required the submittal of a report of waste discharge, and prohibited all unauthorized discharge and fill activities at the site.

**BACKGROUND**

Hohn Family Trust owns a number of parcels of land (approximately 96 acres), including the CTS Facility, located at 1601 Sherborn Street (formerly known as 17850 Cajalco Road) in Corona (Hohn property), Riverside County. Mr. Bruce A. Hohn manages the property for the Hohn Family Trust and is responsible for the day-to-day operations at the site. Temescal Creek (Reaches 1B and 2) traverses the Hohn property and flows through a lake (Hohn Lake) within the property. Hohn Lake was created by gravel mining operations adjacent to the creekbed. In 1979, the banks of Temescal Creek eroded and flooded the gravel pit, and it has remained a lake since then. The site is located approximately 3 miles from the confluence of Temescal Creek and the Santa Ana River (Prado Flood Control Basin).

The Basin Plan includes the following beneficial uses for Reaches 1B and 2 of Temescal Creek (for Reach 2, the beneficial uses are listed as intermittent): (1) agricultural supply (Reach 2); (2) industrial supply (Reach 2); (3) groundwater recharge (Reach 2); (4) water contact recreation (Reaches 1B and 2); (5) non-contact water recreation (Reaches 1B and 2); (6) warm freshwater habitat

(Reach 2); (7) limited warm freshwater habitat (Reach 1B); and (8) wildlife habitat (Reaches 1B and 2).

### **REGULATORY HISTORY**

On January 7, 1987, Board staff issued a letter to Mr. Hohn authorizing inert waste landfill operations consistent with the waiver conditions adopted by the Board (Resolution No. 84-48) within a specified area of the Hohn property. A joint inspection of the Hohn site conducted on August 9, 1995 by the Riverside County Local Enforcement Agency and Board staff indicated that waste disposal at the site extended beyond the original authorized area and that some of the wastes were in direct contact with the lake water (due to direct discharges into the lake and/or due to rise in lake water levels). These findings were discussed in a September 14, 1995 letter from Board staff to Mr. Hohn. In this letter and in November 7, 1995, and February 26, 1996 letters to Mr. Hohn, Board staff reiterated the prohibition on any discharge of wastes to waters of the United States, including the lake and Temescal Creek. Further, he was advised that all future disposals must be limited to an area at least 50 feet away from the highest known water level of the lake.

On December 19, 1995, Mr. Hohn submitted an application for facility permit/waste discharge. This application extended the original footprint of the inert waste disposal area. On February 26, 1996, Mr. Hohn was granted an authorization to discharge inert wastes pursuant to a conditional waiver, Resolution No. 84-48, for inert landfilling operations within a specified portion of his property. Again, this authorization letter prohibited the discharge of wastes into the lake or to other waters of the United States.

A number of inspections conducted by Board staff from April 10, 2002 through April 26, 2002, indicated that the facility was in violation of the waiver conditions, the California Water Code and the Clean Water Act. These violations included discharge of wastes in unauthorized locations, accepting non-inert wastes for disposal at the site, discharging wastes into the waters of the United States including the lake and Temescal Creek, and conducting fill operations within the waters of the United States.

Based on these findings, on May 3, 2002, the Executive Officer sent a letter to Mr. Hohn. The letter terminated Mr. Hohn's authorization to discharge inert waste under the conditional waiver, and required the submittal of additional information, under Section 13267 of the Water Code, regarding the wastes discharged at the site. The letter also provided an opportunity for Mr. Hohn to request a hearing before the Board to review the Executive Officer's action. On May 6, 2002, Mr. Hohn requested a hearing before the Board.

The matter before the Board is whether to affirm, reject, or modify the Executive Officer's request for technical information under Section 13267 of the Water Code and the Executive Officer's termination of the facility's authorization to discharge pursuant to the Board's conditional waiver.

### **BASIS FOR TERMINATING AUTHORIZATION TO DISCHARGE INERT WASTES UNDER THE WAIVER CONDITIONS**

Between April 10, and April 26, 2002, Board staff and other local and State agencies conducted a number of inspections of the Hohn property. These inspections revealed the following violations:

1. A portion of Temescal Creek, a water of the United States, was filled with wet concrete and other types of wastes. Mr. Hohn had not obtained approvals from the U.S. Army Corps of Engineers (Section 404 of the Clean Water Act), the California Department of Fish and Game (Section 1660 of the Fish and Game Code), or the Regional Board (Section 401 of the Clean Water Act). This is in violation of the Clean Water Act, the California Water Code, and the Fish and Game Code.
2. Mr. Hohn has also filled a portion of the lake. Again, this is a violation of the Clean Water Act, the California Water Code, and the Fish and Game Code.
3. A visual inspection of the wastes being discharged at the site indicated that the wastes used for landfilling operations at the site may not all be inert. Further testing is needed to confirm this preliminary finding. If anything other than inert wastes were disposed of at the inert landfill, Mr. Hohn would be in violation of his waiver conditions.
4. Mr. Hohn allowed a greenwaste and woodwaste grinding and chipping operation, B. P. John Hauling, on the parcel that was approved for inert waste disposal. These activities are not allowed by the authorization letter issued to Mr. Hohn, and a report of waste discharge must be submitted by the facility owner/operator.

Mr. Hohn violated the conditions specified in the January 7, 1987, September 14, 1995, November 7, 1995, and February 26, 1996 letters. He has disposed of wastes at the Hohn property in violation of the California Water Code, Section 13376, which states:

“Any person discharging pollutants or proposing to discharge pollutants to the navigable waters of the United States within jurisdiction of State...shall file a report of discharge in compliance with procedures set forth in section 13260,” and, “The discharge of pollutants...by any person except as authorized by waste discharge requirements...is prohibited.”

The waiver conditions in Resolution No. 84-48 state:

“Good disposal practices where erodible materials cannot be carried into waters of the State. (Operator must control access to site.)...”

Mr. Hohn has neither submitted a report proposing to discharge to the navigable waters of the United States nor obtained waste discharge requirements authorizing such a discharge. The recent operations at the site extended beyond the authorized footprint for inert landfiling, included wastes other than inert wastes, and the operator did not control access to the site. Therefore, the operations were not consistent with the Board's waiver conditions.

**BASIS FOR REQUIRING TECHNICAL INFORMATION UNDER SECTION 13267 OF THE WATER CODE**

Water Code Section 13267 states, ".....the regional board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports.....". The May 3, 2002 letter (copy attached) specifically requested the following information:

"(1) A Report of Waste Discharge; (2) a description of all authorizations you may have received allowing the streambed alteration, discharge of concrete, discharge of fill material, etc., to waters of the State and to waters of the United States; (3) any hydrologic analysis ; (4) any grading plans or engineered drawings for the activities either planned or completed on the property; and (5) any analyses of the fill materials already disposed of at the site. This information must be submitted by May 13, 2002."

Mr. Hohn did not submit this information by the May 13th deadline.

The May 3, 2002 letter also indicated that in the absence of an applicable waiver or permit, Mr. Hohn was prohibited by Water Code Sections 13260 and 13264 from discharging wastes. Section 13260 states,

"(a) All of the following persons shall file with the appropriate regional board a report of the discharge, containing the information which may be required by the regional board:

(1) Any person discharging waste, or proposing to discharge waste, within any region that could affect the quality of the waters of the state, other than into a community sewer system....."

Section 13264 states,

"(a) No person shall initiate any new discharge of waste or make any material changes in any discharge, or initiate a discharge to, make any material changes in a discharge to, or construct, an injection well, prior to the filing of the report required by Section 13260 ....."

The exact nature of wastes disposed of at the site is not known at this time. Board staff's visual observations during recent inspections indicated that there were wastes other than inert wastes that were discharged at the site. In addition, inspections conducted by Board staff indicated that access to the disposal site was uncontrolled and the site operator did not inspect the wastes being discharged at the site. Any non-inert wastes disposed of at the site could have adverse water quality impacts. Since there were no controls on the type of wastes brought to the site and Board staff inspections indicated the presence of non-inert wastes at the site, it is necessary to determine the type of wastes discharged at the site to evaluate the need for any remediation.

It is also critical to determine the extent of filling of the waters of the United States and the extent of waste discharges into the waters or to land where that could impact waters of the United States.

Temescal Creek has been identified as a habitat for the Least Bell's Vireo and the Willow Flycatcher, both state and federally listed endangered species. The alteration of Temescal Creek could have significant negative impacts on the environment. Further evaluation of the damage to the environment and potential restoration of habitat are necessary.

The May 3, 2002 letter issued under Section 13267 of the Water Code required Mr. Hohn to provide information necessary to make these evaluations.

### **RECOMMENDATION**

Affirm the actions in the May 3, 2002 letter issued by the Executive Officer to Mr. Bruce A. Hohn.



# California Regional Water Quality Control Board

## Santa Ana Region



Winston H. Hickox  
Secretary for  
Environmental  
Protection

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Gray Davis  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8).*

May 3, 2002

**HAND DELIVERED**

Bruce A. Hohn  
Corona Truck Salvage  
12139 Paramount Boulevard  
Downey, CA 90242-2356

### **TERMINATION OF COVERAGE UNDER WAIVER FOR DISPOSAL OF INERT WASTE; REQUIREMENT TO SUBMIT A REPORT OF WASTE DISCHARGE AND OTHER TECHNICAL INFORMATION; AND NOTICE OF LEGAL PROHIBITIONS AGAINST CONTINUED UNAUTHORIZED DISCHARGE AND FILL ACTIVITIES**

Dear Mr. Hohn:

On February 26, 1996, you were granted an authorization to discharge inert material pursuant to a conditional waiver, under Regional Water Quality Control Board, Santa Ana Region (Regional Board) Order No. 84-48 (Revised Order No. 96-9), for inert landfilling operations within a specified portion of your property located along Sherborn Street in Corona, Riverside County. Your conditional waiver does not authorize the discharge of waste into the lake located within the subject property, or to other waters of the United States.

During an August 6, 1995 inspection, Regional Board staff discovered that you had disposed of inert materials in the lake that borders your fill site. In an August 28, 1995 phone conversation between you and Glenn Robertson of Board staff, you were advised that you must cease disposal of waste into the lake or on the lakeshore. Further, you were advised that all future disposal must be limited to an area at least 50 feet from the highest known water level of the lake. This directive was repeated in a letter to you dated September 14, 1995. In a September 19, 1995 response letter from you to Dixie Lass of Board staff, you stated, "It is our wish to fill in a large portion of the land currently under water when the water recedes." However, in a November 7, 1995 letter from the Board, you were again advised that such disposal was not acceptable, and would constitute a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act. During a subsequent phone conversation on October 23, 1995 with Keith Person of Board staff, you agreed that you would not place any additional wastes into the lake.

*California Environmental Protection Agency*



Recycled Paper

Between April 10, and April 26, 2002, our inspectors conducted a number of inspections of your site located along Sherborn Street in Corona. These inspections revealed the following violations:

1. You have filled a portion of Temescal Wash, a water of the United States, with concrete and other waste materials. It appears that you did not obtain approvals from the U.S. Army Corps of Engineers (Section 404 of the Clean Water Act), the California Department of Fish and Game (Section 1660 of the Fish and Game Code), or the Regional Board (Section 401 of the Clean Water Act). You are in violation of the Clean Water Act, the California Water Code, and the Fish and Game Code.
2. You have filled a portion of the lake. Again, you are in violation of your waiver conditions, the Clean Water Act, the California Water Code, and the Fish and Game Code as noted above.
3. A visual inspection of the wastes being discharged at the site indicates that the wastes used for landfilling operations at the site may not all be inert. Further testing is needed to confirm this preliminary finding. If anything other than inert waste is disposed of at the inert landfill, you are in violation of your waiver conditions.
4. Our inspectors observed a greenwaste and woodwaste grinding and chipping operation, B. P. John Hauling, on the parcel that was approved for inert waste disposal. We also noted that greenwaste is being stockpiled on the parcel for 2 weeks or more pending transport to El Sobrante Landfill for use as alternative daily cover. These are unauthorized activities that must be permitted, or a waiver must be obtained by the facility owner.

The inspectors from this agency and other regulatory agencies have repeatedly asked you to stop these illegal activities. However, as of April 26, 2002, these activities were continuing.

**Therefore, effective immediately, your coverage under the conditional waiver is hereby terminated, and you are no longer permitted to dispose of any waste materials on any portion of your property that could present a threat to water quality, including both groundwater and surface water.** In the absence of an applicable waiver or permit, you are prohibited by Water Code sections 13260, 13264 and 13376, from dumping concrete or any other materials into the lake, into Temescal Wash, into any tributaries to Temescal Wash, into any other waters of the State or waters of the United States, or into any location from which such materials could affect the quality of such waters. If you wish to continue to conduct disposal activities on your property, you must obtain waste discharge requirements. In order for the Regional Board to determine the degree of threat of such discharges and their potential effect on



water quality, you are hereby required to submit a Report of Waste Discharge (ROWD) under Water Code sections 13260 and 13267.

Attached please find a copy of Form 200, Application/Report of Waste Discharge, and a Joint Technical Document (JTD) index, which is used to develop waste discharge requirements for a landfilling operation. You must complete Form 200 and submit it to us along with a filing fee of \$6,000. You must also prepare a JTD that discusses in detail all relevant aspects of your facility design and operation. The information you provide in these two documents will be used to prepare waste discharge requirements or a conditional waiver for your facility. After your ROWD is submitted and deemed complete, the Regional Board will determine what environmental documentation, if any, will be necessary under the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.).

Again, you are no longer covered by the waiver, and no discharges of waste to land or to waters of the State or the United States, either on or from this site, are permitted unless or until the necessary permits are acquired. Please be advised that the discharge of waste in violation of Water Code sections 13260 and 13264 can result in administrative, civil, and/or criminal penalties under specified circumstances. (See e.g., Water Code §§ 13265, 13271, 13350, 13385, and 13387.)

Additionally, we are exploring all appropriate courses of enforcement action for the previous violations cited above.

In addition to the Report of Waste Discharge, you are required to submit the following documentation to this office: (1) a description of all authorizations you may have received allowing the streambed alteration, discharge of concrete, discharge of fill material, etc., to waters of the State and to waters of the United States; (2) any hydrologic analysis; (3) any grading plans or engineered drawings for the activities either planned or completed on the property; and (4) any analyses of the fill materials already disposed of at the site. This information must be submitted by May 13, 2002.

The Report of Waste Discharge is necessary in order to consider whether and how to permit the continuation of your discharge activities through waste discharge requirements, or a revised conditional waiver. The additional information specified above is necessary in order to assess the potential water quality damages resulting from your observed activities on this site, based on the staff observations described above.

This Order, which requires the submittal of the Report of Waste Discharge and the additional specified technical information, is issued pursuant to Water Code section 13267. Failure to comply with this Order can result in penalties under Water Code section 13268, in amounts up to \$5,000 per day.

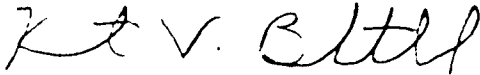




If you believe this Order has been issued in error, you may submit a written request for a hearing before the Regional Board. Note, however, that the terms of this Order will remain in effect pending such a hearing. The next regularly scheduled meeting of the Regional Board will take place on May 31, 2002. Be further advised that the time for filing a petition for review with the State Board, under Water Code section 13320, is 30 days from the date of this Order and will continue to run unless or until a further action by the Regional Board rescinds, amends or reissues this Order.

Should you have questions about any of the foregoing, please feel free to contact Ann laali at (909) 320-2182 or Keith Person (909) 782-4997.

Sincerely,



for Gerard J. Thibeault  
Executive Officer

Attachments:

Form 200, Application/Report of Waste Discharge  
Joint Technical Document Index

cc: U.S. Army Corps of Engineers, Los Angeles Office – Dan Swenson  
U.S. Fish and Wildlife Service – Loren Hays  
CDFG, Chino Hills Office – Juan Hernandez, Rick Fischer and Ernie Acosta  
City of Corona- Khalid Bazmi and Paula Taylor  
County of Riverside- John Watkins

